O Regis/43

1043

K

File No.

Legal Department

A **BRANCH**

Subject:—

Opinions Under the

Indian Registration Act

1708

P3/E

O Regis/43

232-A

C O N T E N T S.

Legal Department File No. O. Registration/1943.

S.No.	R.I. / O.No.	Subject	Pages.
		Opinions under the Indian Registration Act, 1908.	
1.	1990 17/3/43.	Question whether it is legally necessary for the Registering Officer to defer the registration of the documents for 8 months pending the admission of execution of all the signatories or whether such a document could be declared ~~xx~~ validly registered as soon as the Chief Officer has appeared and admitted execution and the seal has been indentified to the satisfaction of the Registering Officer.	1 - 2.
2.	24-P-Confl. 24/6/43.	Question (1) whether the procedure suggested by H.D. (Spl.) for registration of the document is correct and (2) what is the value of the stamped paper to be used for the purpose.	3 - 4.

5-Cs.

M.V.V.
10/7.

R.Mk 2/8

Nwl 2/8

Office of the R.L.A.

In this case the President of the Lonavla Municipality was not a party to the instrument. His signature on the instrument seems ment seems wholly unnecessary. Without it there are all the elements necessary to constitute the ~~mmxoperation~~ of executing the instrument. He need not therefore be deemed to be one of the executants. Therefore so far as section 34 of the Indian Registration Act, 1908, is concerned, the Registering Officer need not defer the registration. He may declare it validly registered.

Id/- P.N.M.
17/3.

Remembrancer of Legal Affairs.

U.R. to R.D. No. 1990, dated the 17th March 1943.

4-Cs.

M.V.V.
10/7.

Office of the R.L.A.

The power of attorney executed by Dr.Syed Mahmud authorises his son to do certain acts on his behalf. There is no provision in the instrument from which an assignment of or charge upon immoveable property in favour of the donee can be spelt out. It is not therefore an instrument requiring compulsory registration. Registration in this case is optional. If the executant desires it to be registered it cannot be merely "forwarded" for registration. The executant must present it in person or through his legal representative or through an agent holding a special power of attorney for the purpose of getting it registered.

2. The stamp duty payable would be Rs.10 under Article 48(d) of the Stamp Act 1899.

Id./- P.N.M.
23/6.

Remembrancer of Legal Affairs.

U.R. to H.D. (Spl). No. 24-P-Confl. dated the 24th June 1943.

4-Cs.

M.V.V.
10/7.